

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**IN RE YASMIN AND YAZ (DROSPIRENONE))
MARKETING, SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION**

3:09-md-02100-DRH-PMF

MDL No. 2100

**ORDER
VACATING DISMISSAL**

This Document Relates to:

Katie Chor, et al., v.

Bayer HealthCare Pharmaceuticals Inc., et al., No. 3:11-cv-12891-DRH-PMF¹

Kimberly Byrd, et al. v.

Bayer HealthCare Pharmaceuticals, Inc., et al. No. 3:11-cv-12890-DRH-PMF²

ORDER

HERNDON, Chief Judge:

On March 1, 2012, the Court granted Bayer's motion to dismiss without prejudice the claims of certain plaintiffs for failure to comply with their Plaintiff Fact Sheet (PFS) requirements. Presently before the Court are motions to vacate the order of dismissal as to certain plaintiffs in the above captioned cases.

In member action *Katie Chor, et al., v. Bayer HealthCare Pharmaceuticals Inc., et al*, No. 3:11-cv-12891-DRH-PMF, the following plaintiffs have filed a

¹ This order applies to the following plaintiffs: Traci Nurse, Unique Pirtle, Shannon Rachal, Tshangie Smith, and Loralee Ivkovic.

² This order applies to the following plaintiffs: Lacy Bailey, Elizabeth Bailey-Smith, Barbara Brodersen, Shelli Daniels Vinson, Danielle Garner, Ashley Gross, Jamie Jeromin, Tricia Kelly-Learman, Maria Manahan, Emily Mayer, Kristen Ozinga, Valerie Schatz, Amalia Soliz, Shannon Lealos, Melanie Wallace, and Malissa Ward.

motion to vacate the Court's order of dismissal: Traci Nurse, Unique Pirtle, Shannon Rachal, Tshangie Smith, and Loralee Ivkovic.

In member action *Kimberly Byrd, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:11-cv-12890-DRH-PMF, the following plaintiffs have filed a motion to vacate the Court's order of dismissal: Lacy Bailey, Elizabeth Bailey-Smith, Barbara Brodersen, Shelli Daniels Vinson, Danielle Garner, Ashley Gross, Jamie Jeromin, Tricia Kelly-Learman, Maria Manahan, Emily Mayer, Kristen Ozinga, Valerie Schatz, Amalia Soliz, Shannon Lealos, Melanie Wallace, and Malissa Ward.

Both motions to vacate were filed on April 26, 2012. To date, Bayer has not responded to plaintiffs' motion to vacate.

In light of Bayer's failure to oppose the motion to vacate, the Court presumes that the subject plaintiffs have complied with their PFS obligations. Accordingly, the Court hereby **VACATES** the orders dismissing without prejudice the claims of the following plaintiffs and directs the Clerk of the Court to **REINSTATE** the same:

In member action *Katie Chor, et al., v. Bayer HealthCare Pharmaceuticals Inc., et al.*, No. 3:11-cv-12891-DRH-PMF:

1. Traci Nurse,
2. Unique Pirtle,
3. Shannon Rachal,
4. Tshangie Smith, and

5. Loralee Ivkovic.

In member action *Kimberly Byrd, et al. v. Bayer HealthCare Pharmaceuticals, Inc., et al.* No. 3:11-cv-12890-DRH-PMF:

1. Lacy Bailey,
2. Elizabeth Bailey-Smith,
3. Barbara Brodersen,
4. Shelli Daniels Vinson,
5. Danielle Garner,
6. Ashley Gross,
7. Jamie Jeromin,
8. Tricia Kelly-Learman,
9. Maria Manahan,
10. Emily Mayer,
11. Kristen Ozinga,
12. Valerie Schatz,

13. Amalia Soliz,
14. Shannon Lealos,
15. Melanie Wallace, and
16. Malissa Ward.

SO ORDERED:

 Digitally signed by David
R. Herndon
Date: 2012.06.04 17:09:22
-05'00'

Chief Judge
United States District Court

Date: June 4, 2012